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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CARES, Inc., NICK ARELLANO, et al.) Case No. C-05-01026 WHA
Plaintiffs,) **E-FILING CASE**
v.)
STATE OF CALIFORNIA; MIKE)
LEAVITT, United States Department of)
Health and Human Services Secretary;)
COUNTY OF MONTEREY, et al.)
Defendants.)

STIPULATION AND **[PROPOSED]**
ORDER DISMISSING THE FEDERAL
DEFENDANT
Date: October 6, 2005
Time: 8:00 a.m.
Ctrm: 9, 19th Floor, SF
Hon.: William H. Alsup

WHEREAS, plaintiffs seek to dismiss all claims against Mike Leavitt, Secretary of the U.S. Department of Health and Human Services ("Federal Defendant"), without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1);

WHEREAS, each side will bear its own costs and fees, it is hereby STIPULATED AND AGREED by and among plaintiffs and the Federal Defendant, through their undersigned counsel, that all claims as to the Federal Defendant are dismissed, without prejudice, pursuant to Fed. R. Civ. P. 41(a)(1).

Respectfully submitted,

KEVIN V. RYAN
United States Attorney

ANDREW Y.S. CHENG
/s/
Assistant United States Attorney

Dated: September 29, 2005

1 Dated: September 29, 2005

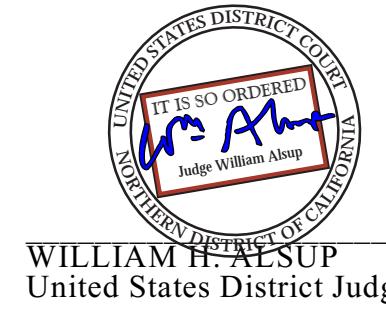
2 /s/
3 MARTHA BRONSON
4 Attorney for Plaintiff

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6 **ORDER**

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8 The Court dismisses all claims against the Federal Defendant without prejudice.
9 Each side is to bear its own costs.

10 **IT IS SO ORDERED.**

11 Dated: September 30, 2005



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13 WILLIAM H. ALSUP
14 United States District Judge

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24 STIPULATION TO DISMISS ALL CLAIMS AGAINST FEDERAL DEFENDANT, 05-1026
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